

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

| | | |
|----------------------------------|---|--------------------|
| CITIZENS UTILITY BOARD |) | |
| |) | |
| Complaint requesting the ICC |) | |
| to order Peoples Energy Services |) | Docket No. 03-0592 |
| to cease and desist misleading |) | |
| marketing of gas offering |) | |

**MOTION TO STAY ENFORCEMENT OF THE
ILLINOIS COMMERCE COMMISSION ORDER PENDING APPEAL**

Peoples Energy Services Corporation ("PE Services"), by and through its attorneys and pursuant to 83 Ill. Adm. Code Section 200.190(a), hereby moves the Illinois Commerce Commission ("Commission") to stay enforcement of its Order in this matter pending appeal. In support of its motion, PE Service states as follows:

1. On July 21, 2004, the Commission issued an Order holding that an offer distributed by PE Services ("Offer") contravened the requirements of the Alternative Gas Supplier Law 220 ILCS 5/19-100 *et seq.*
2. The Order imposed a \$40,000 fine on PE Services for four violations. Order at 39. The Order also directed PE Services to send a letter to customers taking service under the Offer. Order at 38.
3. On July 27, 2004, PE Services filed a Motion for Stay of the enforcement of the fine.
4. On August 10, 2004, the Commission granted the Motion for Stay of the enforcement of the fine.
5. On August 19, 2004, PE Services filed a Motion for Stay of the enforcement of the letter.
6. On August 20, 2004, PE Services filed a Petition for Rehearing.

7. On August 31, 2004, the Commission denied the Petition for Rehearing. The Commission stated that the Motion for Stay related to the letter was moot based on its denial of rehearing.
8. The Illinois Public Utilities Act provides that a party may appeal to the appellate court within thirty-five days after rehearing is denied. 220 ILCS § 5/10-201.
9. Because PE Services may appeal the Commission decision, PE Services seeks to stay enforcement of the Order requiring it to remit payment of a fine and send a letter to customers of the Offer.

Wherefore, PE Services requests that the Commission grant an Order staying enforcement of the July 21, 2004 Order for a period of thirty-five days or until after the appellate court rules on any appeal, whichever is later.

Respectfully submitted

Peoples Energy Services Corporation

By: /S/ THOMAS MULROY
Thomas Mulroy
One of its attorneys

Thomas Mulroy
Mary Klyasheff
Blair Hanzlik
McGuireWoods LLP
77 West Wacker Dr., Suite 4100
Chicago, IL 60601
telephone: (312) 641-2053
facsimile: (312) 641-2073
e-mail: tmulroy@mcguirewoods.com

Dated at Chicago, Illinois
this 8th day of September, 2004

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

| | | |
|----------------------------------|---|--------------------|
| CITIZENS UTILITY BOARD |) | |
| |) | |
| Complaint requesting the ICC |) | |
| to order Peoples Energy Services |) | Docket No. 03-0592 |
| to cease and desist misleading |) | |
| marketing of gas offering |) | |

NOTICE OF FILING AND CERTIFICATE OF SERVICE

To: Service List

PLEASE TAKE NOTICE that on this 7th day of September, 2004, I have filed with the Chief Clerk of the Illinois Commerce Commission, the Motion for Stay of Peoples Energy Services Corporation, a copy of which is hereby served upon you by electronic mail and United States Mail on September 7, 2004.

By: /S/ MARY KLYASHEFF

Mary Klyasheff

An Attorney for

Peoples Energy Services Corporation

Attorneys for
Peoples Energy Services Corporation

Thomas R. Mulroy
Mary Klyasheff
Blair Hanzlik
McGuireWoods LLP
77 W. Wacker Dr.
Suite 4100
Chicago, Illinois 60601

Dated at Chicago, Illinois
this 8th day of September, 2004